

## THE MARRIAGE INSTITUTION

4055,

certificate was to be prepared.<sup>1</sup> The lowest classes might still neglect all ceremony. This law aimed to secure publicity, a distinct expression of consent, and a record. There is no reference to any religious blessing or other function of the clergy. They appear as civil functionaries charged to witness and record an act of the parties.<sup>2</sup> In another novel<sup>3</sup> all this was done away with except the written contract about the dower, if there was one.<sup>4</sup>

424. Transition from Roman to Christian marriage. The ideal of marriage which has just been described came into the Christian church out of the Roman world. Roman wedding sacrifices were intended to obtain signs of the approval of the gods on the wedding. They were domestic sacrifices only, since the sacred things of the spouses were at home only. The auspices ceased to be taken at marriages from the time of Cicero. It became customary to declare that nothing unfavorable to the marriage had occurred. There are many relief representations of late Roman marriages on which Juno appears as *pronuba*, a figure of her standing behind the spouses as protectress or patroness. Rossbach<sup>5</sup> thus interprets such a relief: "The betrothed, with the assistance of Juno, goddess of marriage, solemnly make the covenant of their love, to which Venus and the Graces are favorable, by prayer and sacrifices before the gods. By the aid of Juno love becomes a legitimate marriage." Rossbach mentions exactly similar reliefs in which Christ is the *pronuba*, and the transition to Christianity is distinctly presented. In a similar manner ideas and customs about marriage were brought under Christian symbol or ceremony, and handed

down to us as  
"Christian marriage." The origin of them is in  
the mores of  
the classes who accepted Christianity, which were  
subjected to a  
grand syncretism in the first centuries of  
Christianity.

425. Ancient German marriage. No documents  
were necessary  
until the time of Justinian (550 A.D.), an oral  
agreement being  
sufficient, if probable. There were essential parts  
of the Roman  
wedding usages which were independent of  
paganism and which

<sup>1</sup> *NweL*, LXXIV, c. 4, sec. i (537 A.D.).

\* Cf. *Nav*<sup>^</sup> XXII, c. 3.

<sup>8</sup> CXVII, c. 4.

\* Friedberg, 14-

16.

<sup>5</sup> *Rom. Hochzeits und Ehedenkmdler*<sup>^</sup> 49, 107.